



Entered on Docket
December 22, 2010

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,¹

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,²

USA SECURITIES, LLC,³
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR,
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR,
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**ORDER APPROVING
COMPROMISE SETTLEMENT OF
CLAIMS AND DIRECTING
PAYMENT OF CLAIMS FILED BY
LARRY L. AND PATSY R. RIEGER
REVOCABLE TRUST**

**Hearing Date: December 16, 2010
Hearing Time: 9:30 a.m.**

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

1 The Court has reviewed the "Motion for Approval of Compromise Settlement of
2 Claims and Directing Payment of Priority Claim Filed by Larry L. and Patsy R. Rieger
3 Revocable Trust" (the "Riegers") [DE 8223] (the "Motion") and it heard the Motion in
4 open court on December 16, 2010. There being no objections to the Motion and good
5 cause appearing:

6 **IT IS ORDERED:**

7 1. The compromise settlement reached by the USACM Liquidating Trust
8 ("Trust") and the Riegers is approved;

9 2. Proof of Claim No. 10725-01739 filed in the amount of \$292,852.00 is
10 allowed as an unsecured priority claim in the amount of \$32,844.00 and the balance of
11 Proof of Claim No. 10725-01739 is disallowed;

12 3. Upon entry of this order approving the compromise between the parties and
13 granting this motion, the Trust shall pay the Riegers' priority claim in full in the amount of
14 \$32,844.

15 4. Proof of Claim No. 10725-01740 filed by the Riegers in the amount of
16 \$2,016,829.00 is hereby allowed as an unsecured non-priority claim in the amount of
17 \$1,467,156.00 and the balance of the claim disallowed.

18 5. Based upon the allowed portion of Proof of Claim No. 10725-01740, the
19 Trust will make an immediate 4.92% distribution on the allowed amount of \$1,467,156.00
20 (\$72,184.08) to the Riegers as their *pro rata* share of the funds reserved by the Trust from
21 the initial creditor distribution by the Trust.

22 6. All other funds reserved for the Riegers' disputed proofs of claim are hereby
23 released from the Disputed Claims Reserve and made available to the Trust; and

24 7. Each party to bear their own costs and attorneys fees.
25
26

³ This bankruptcy case was closed on December 21, 2007.

1 PREPARED AND RESPECTFULLY SUBMITTED BY:

2 LEWIS AND ROCA LLP

3
4 By/s/ John Hinderaker (AZ 18024)

Robert M. Charles, Jr.

5 John Hinderaker (*pro hac vice*)

3993 Howard Hughes Parkway, Ste. 600

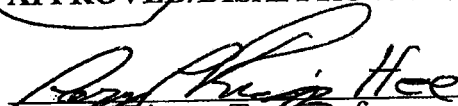
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8 *Attorneys for USACM Liquidating Trust*


9
10 **APPROVED/DISAPPROVED :**

11
12 
Larry L. Rieger, Trustee of

13 Larry L. and Patsy R. Rieger Revocable Trust

Dtd 8/14/91

14 **APPROVED/DISAPPROVED**

15
16 
Patsy R. Rieger, Trustee of

17 Larry L. and Patsy R. Rieger Revocable Trust

18 Dtd 8/14/91 and in her personal capacity

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No party appeared at the hearing or filed an objection to the motion.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below

Counsel Appearing: None.

- ☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

U.S. Trustee: Augie Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: Larry and Patsy Rieger	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker
Attorneys for USACM Liquidating Trust

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